Reopen Case, Ex-Warren Lawyer Says

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WASHINGTON — (UPI) — A former Warren Commission lawyer asked Congress Saturday to reopen the investigation of President John F. Kennedy's assassination, partly because of "inexcusable dereliction of duty" by the CIA and FBI in withholding evidence from the original inquiry.

The lawyer, David W. Belin, said he is confident a thorough new investigation would confirm the same conclusion reached in September 1964 by the commission headed by the late Chief Justice Earl Warren: that Lee Harvey Oswald "beyond a reasonable doubt" was Kennedy's lone killer.

But he refused to rule out the possibility that evidence of a conspiracy may some day surface.

BELIN ANNOUNCED that he has filed requests under the Freedom of Information Act for public release of all materials relating to the assassination held by the CIA and the National Archives, including Kennedy autopsy photographs and X-rays. He said withholding of the medical reports at the request of the family was a mistake.

Although no material uncovered since 1964 "in any way disproves" the commission's conclusions about Oswald, Belin said: "To the extent that the CIA and the FBI failed to disclose all relevant evidence to the Warren Commission, there was an inexcusable dereliction of duty on the part of these governmental agencies."

A frequent target of critics of the Warren Commission report, Belin issued a statement on the 12th anniversary of Kennedy's death in Dallas, Tex. He appears today on a nationally televised interview (CBS-TV's Face the Nation).

IN THE STATEMENT, and in a telephone interview, Belin stressed he is certain that any new investigation would conclude that Oswald killed both Kennedy and Dallas policeman J.D. Tippit, even with access to CIA and FBI evidence which the Warren Commission never saw.

Belin was co-counsel of that phase of the commission inquiry concentrating on who killed Kennedy and Tippit.

But, Belin said, "I cannot be absolutely certain that no evidence will ever turn up indicating a conspiracy."

In his statement, he said Congress should look for "any credible evidence of any foreign conspiracy."

"The Warren Commission found none — but the Warren Commission did not have any information concerning CIA assassination plans directed against Fidel Castro and possible ramification of such plans," he said.

Belin from 1-A

BELIN'S COMMENTS will give new impetus to a drive for reopening of the assassination probe, a move advocated recently by Sen. Richard S. Schweiker R-Pa., chairman of a Senate subcommittee on intelligence looking into conspiracy theories in the assassination.

Schweiker, predicting the Warren Commission report would collapse "like a house of cards," said that two theories being investigated are that Kennedy was killed through a Communist plot organized in Cuba or the Soviet Union, or that anti-Castro Cubans, angry over diminishing Kennedy Administration support for them, planned the murder.

Belin said that Congress should conduct any new investigation and "should specifically investigate why this dereliction of duty on the part of both the CIA and the FBI occurred."

IN ADDITION to withholding from the Warren Commission evidence of CIA plots to assassinate Cuban Prime Minister Fidel Castro, Belin said, the FBI failed to disclose to the commission evidence of threats made against the FBI by Oswald several days before the assassination.

Belin told The Los Angeles Times, "the ramifications of the withholding of evidence by the FBI and CIA are horrendous when you consider that they were withholding it from a presidential commission."

"When will they not withhold information when it suits their convenience?" he continued. "This deserves wide public concern."

SINCE EVIDENCE shows that the late Robert F. Kennedy, as attorney general, also knew of the Castro death plots, Belin said, he too should have notified the commission.

A book by Belin on the assassination, "November 22, 1963: You Are the Jury," published in 1973, quotes a letter from Commission Chairman Earl Warren to Robert Kennedy which asks if he has any additional information pertinent to the inquiry. In a reply just before the commission wound up its work, Kennedy wrote that "all information relating in any way" to the assassination had been given to the commission.

Although no evidence has surfaced to link the Castro death plots to the Kennedy assassination, the fact that such plots existed is considered by Belin, Schweicker and others who have studied the assassination probe to be a pertinent area for inquiry. And so far that area of inquiry has received little official attention.

BELIN SAID that he also could not understand why the one Warren Commission member who had knowledge of the Castro assassination plots — ex-CIA Director Allen Dulles — failed to bring them to the attention of the com-

mission.

Dulles has since died, as have commission members Earl Warren (the chief justice), Sen. Richard B. Russell and House Majority Leader Hale Boggs.

Other commission members were President Ford, who at the time of the report was House minority leader; John Sherman Cooper, a Somerset, Ky., attorney who at the time was a Republican senator; and John J. McCloy, a New York banker who had served as President Kennedy's chief disarmament adviser and who had been a member of the Coordinating Committee on the Cuban Crisis.